

# HOUSE BILL No. 1525

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8.

**Synopsis:** Residence of law enforcement officers. Requires municipal police officers to reside within the municipality that they serve. Creates exceptions for state and county police officers. Provides that police officers residing outside a city or town before the adoption of a residency ordinance are exempt from the residency ordinance.

**Effective:** July 1, 2015.

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January 20, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1525

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-8-4-2, AS AMENDED BY P.L.65-2008,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 2. (a) Members of ~~the police and~~ fire departments  
4 must reside in Indiana within:  
5 (1) the county in which the city is located; or  
6 (2) a county that is contiguous to the county in which the city is  
7 located.  
8 (b) In a consolidated city, a member who was residing outside the  
9 county on January 1, 1975, is exempt from subsection (a).  
10 (c) A city with a population of less than seven thousand five  
11 hundred (7,500) may adopt an ordinance that requires a member of the  
12 city's ~~police or~~ fire department to comply with the following:  
13 (1) Reside within the county in which the city is located.  
14 (2) Have adequate means of transportation into the city.  
15 (3) Maintain in the member's residence telephone service with the



city.

(d) This subsection applies to a city that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A city may require, in addition to the requirements of subsection (c), that a member of the ~~police or~~ fire department reside within the city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a city's ~~police or~~ fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 2. IC 36-8-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.5. (a) This section applies to members of a city police department or consolidated city police department.**

**(b) Except as provided in subsections (d) and (f), members of a police department must reside in Indiana and within the county in which the city is located.**

**(c) Subsection (b) does not apply to members of county or state level police departments.**

**(d) In a consolidated city, a member who was residing outside the county on January 1, 1975, is exempt from subsection (b).**

**(e) A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police department to comply with the following:**

**(1) Reside within the county in which the city is located.**

**(2) Have adequate means of transportation into the city.**

**(3) Maintain in the member's residence telephone service with the city.**

**(f) This subsection applies to a city that:**

**(1) has a population of less than seven thousand five hundred (7,500); and**

**(2) adopted an ordinance to establish the requirements described in subsection (e) before September 1, 1984.**

**An ordinance adopted under subsection (e) or described in subdivision (2) may not require a member of a city's police department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.**



SECTION 3. IC 36-8-4-2.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.8. An ordinance adopted under section 2.5 of this chapter may not require a member of a city police department to comply with a residency requirement if the officer resides:**

- (1) outside the county;
- (2) outside the city; or
- (3) a distance outside the city greater than stated in the ordinance;

**on the date the ordinance is adopted.**

SECTION 4. IC 36-8-4.5-4, AS ADDED BY P.L.65-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4. A member of a town ~~police~~ or fire department must reside in Indiana within:**

- (1) the county in which the town is located; or
- (2) a county that is contiguous to the county in which the town is located.

SECTION 5. IC 36-8-4.5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.5. (a) Except as provided in subsection (b) and sections 5.5 and 7.5 of this chapter, members of a town police department must reside in Indiana and within the county in which the town is located.**

**(b) Subsection (a) does not apply to members of county or state level police departments.**

SECTION 6. IC 36-8-4.5-5, AS ADDED BY P.L.65-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. A town with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the town ~~police~~ or fire department to satisfy all of the following:**

- (1) Reside within:
  - (A) the county in which the town is located; or
  - (B) a distance from the town stated in the ordinance.
- (2) Have adequate means of transportation into the town.
- (3) Maintain in the member's residence telephone service with the town.

SECTION 7. IC 36-8-4.5-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. (a) Except as provided in subsection (b) and section 7.5 of this chapter, a town with a population of less than seven thousand five hundred (7,500) may**



1 adopt an ordinance that requires a member of the town police  
2 department to satisfy all of the following:

3 (1) Reside within:

4 (A) the county in which the town is located; or

5 (B) a distance from the town stated in the ordinance.

6 (2) Have adequate means of transportation into the town.

7 (3) Maintain in the member's residence telephone service with  
8 the town.

9 (b) Subsection (a) does not apply to members of county or state  
10 level police departments.

11 SECTION 8. IC 36-8-4.5-6, AS ADDED BY P.L.65-2008,  
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 6. This section applies to a town that:

14 (1) has a population of less than seven thousand five hundred  
15 (7,500); and

16 (2) adopted an ordinance to establish the requirements described  
17 in this section before September 1, 1984.

18 A town may require, in addition to the requirements of section 5 of this  
19 chapter, that a member of the ~~police~~ or fire department reside within  
20 the town until the member has served in the department for five (5)  
21 years.

22 SECTION 9. IC 36-8-4.5-7, AS ADDED BY P.L.65-2008,  
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2015]: Sec. 7. An ordinance adopted under section 5 or 6 of  
25 this chapter may not require a member of a town ~~police~~ or fire  
26 department to comply with section 5(1) of this chapter if the member  
27 resides:

28 (1) outside the county; or

29 (2) a distance outside the town greater than stated in the  
30 ordinance;

31 on the date the ordinance is adopted.

32 SECTION 10. IC 36-8-4.5-7.5 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. An ordinance adopted under**  
35 **section 4.5 or 5.5 of this chapter may not require a member of a**  
36 **town police department to comply with a residency requirement if**  
37 **the officer resides:**

38 (1) outside the county; or

39 (2) a distance outside the town greater than stated in the  
40 ordinance;

41 on the date the ordinance is adopted.

